

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

STANLEY JOHNSON,

Petitioner,

v.

BILL STANGE,

Respondent.

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No. 1:23-cv-00005 SRC

**Memorandum and Order**

On March 30, 2023, the Court ordered Petitioner Stanley Johnson to file an amended complaint on a Court-provided Prisoner-Civil-Rights-Complaint form and to submit a certified prison account statement for consideration with his motion to proceed *in forma pauperis*. Doc. 5. The Court cautioned Petitioner that his failure to timely comply with the order would result in the dismissal of this case without further notice. On April 26, 2023, the Court granted Plaintiff's motion for an extension of time to file his certified prison account statement. Doc. 8. However, in that Order, the Court specifically stated that Plaintiff's amended complaint on the Court-provided form was still due no later than May 1, 2023.

That deadline expired three weeks ago, and Plaintiff has not filed an amended complaint. The Court gave Johnson notice of its expectations, it cautioned him that it would dismiss this case if he failed to timely comply, and it gave him ample time to comply. The Court therefore dismisses this action, without prejudice, due to Johnson's failure to comply with the Court's March 30 and April 26 orders, and for his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962) (The authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed “by the control

necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.”); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (A district court has the power to dismiss an action for the plaintiff’s failure to comply with any court order.).

Accordingly, the Court dismisses this case without prejudice. The Court enters a separate order of dismissal herewith. The Court certifies that an appeal from this dismissal would not be taken in good faith.

Dated this 22nd day of May 2023.

  
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STEPHEN R. CLARK  
CHIEF UNITED STATES DISTRICT JUDGE